

Amendments to the Drawings:

An attached replacement sheet of drawings includes changes to Fig. 6A and replaces the original sheet including Fig. 6A.

In Figure 6A, reference numeral "57" is changed to "157".

An attached new sheet of drawings includes new Fig. 2c.

Attachments following last page of this Amendment:

Replacement Sheets (15 pages)

Annotated Sheet Showing Change(s) (1 page)

New Sheet (1 page)

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

Election/Restrictions

1. Upon reconsideration, as claims 8-9 and 23-26 depend from allowed claims, and in view of applicant's cited text on page 12, line 9 that the device of Figure 2a and Figure 2b could be in the same embodiment, these claims are no longer withdrawn.

2. Newly submitted claims 79-83 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: These claims are directed to a method of comparing deflection data with stored profiles (claim 79) and modifying profiles (claim 83).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 79-83 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

It is noted the claims originally presented included a vehicle suspension and interaction therewith.

Claims 79 -- 83 have been canceled.

Drawings

3. The drawings were received on 6/12/06. These drawings are approved to expedite prosecution; however, note the objections below.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of claim 6 in combination with the features of claims 8-9 and the features of claim 20 in combination with the features of claims 23-26 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. (Although page 12 of the specification discloses the profile and trajectory plan storage files, microprocessor(s), etc. can be used in the same embodiment, they are not illustrated as claimed in the same figure or embodiment.) Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any

required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The applicant does not agree that 37 CFR 1.83(a) requires that the drawing must show every feature specified in the claims *in the same figure or in the same combination as they are claimed*. However to expedite prosecution, the applicant has submitted new Fig. 2c. No new matter has been added. Fig. 2c is supported at least by page 12, lines 9 and 10.

New Fig. 2c shows the features of claim 6 in combination with the features of claims 8 – 9 and shows the features of claim 20 in combination with the features of claims 23 – 26 are in the same Figure.

5. The drawings are objected to because in Figure 6A (replacement sheet filed 6/12/06), reference numeral 57 should be 157 (pages 15 and 19 of the response filed 6/12/06 state that 57 has been changed to 157 in the replacement sheet of Figure 6A, but this has not been done; also, in the amendment to the three paragraphs beginning at page 14, line 26 filed 6/12/06, 57 has been changed to 157, but again, in Figure 6A 57 has not been changed to 157). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Figure 6A has been amended.

6. The disclosure is objected to because of the following informalities:

- a. In the three paragraphs beginning at page 14, line 26 as amended on 6/12/06, in the line 1 of the third paragraph, "58" should apparently be "157".
- b. Page 3, lines 1-7 as amended 6/12/06 still contain an incomplete sentence (in line 3, "and" should be inserted before "a controllable suspension element").
- c. Page 4, lines 1-8 are an incomplete sentence (on page 4, line 5, "includes" should be "including", and on page 4, line 6 "and" should be inserted before "storing").
- d. Page 4, line 17- page 5, line 4 are an incomplete sentence ("is disclosed" should be inserted after "a method" in line 17 of page 4).

- e. Page 5, line 21 - page 6, line 6 is an incomplete sentence ("is disclosed" should be inserted after "a method" in line 21 of page 5).
- f. Page 6, lines 7-23 as amended 6/12/06 is still an incomplete sentence ("is disclosed" should be inserted after "a method" in page 6, line 7).
- g. Page 11, lines 6 and 9 are not accurate in reciting points in the payload compartment ("in" should be "on" in both lines). Appropriate correction is required.

The disclosure has been amended to eliminate the informalities.

7. Although claim 79 is not elected, care should be taken in future prosecution to avoid new matter (i.e., there would not appear to be support in the original specification for a "car" as recited in line 2 of the claim).

Claim 79 has been canceled.

- 8. Claims 2-4 and 6-9 objected to because of the following informalities.
 - a. In claim 6, line 4 a comma should follow "data".
 - b. In claim 7, line 4 a comma should follow "data".
 - c. In claim 7, line 12 "travelingwherein" should be spaced. Appropriate correction is required.

Claims 6 and 7 have been amended.

- 9. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 10. Claims 2-3 and 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. In claim 2, there is no antecedent basis for "said profile storage device".
 - b. In claim 3, there is no antecedent basis for "said profile retrieving microprocessor".
 - c. In claim 8, last line there is no antecedent basis for "said retrieved profile".

Claims 2, 3, and 8 have been amended to provide antecedent basis.

- d. In claim 68, line 7 there is no antecedent basis for "said controllable vehicle suspension" (a controllable suspension element was previously recited in the claim).

Claim 68 has been canceled.

- 10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 11. Claims 68-69 and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Schubert et al (US005899288A, of record).
Schubert et al discloses a vehicle 2 operating on a road segment with vertical disturbances (bumpiness at column 15, lines 45-46), the vehicle comprising a payload compartment or cab 6, a road engaging device 22, a controllable suspension element 28 and sensors associated with the suspension element for sensing at least one of vertical acceleration, vertical velocity and vertical displacement (column 4, line 59 -column 5, line 7,

where sensors 34 detect bumpiness (vertical displacement) of the road surface and are used to adjust performance of at least isolator or suspension element 28). In the text bridging columns 4 and 5 above, data representative of one of the vertical disturbances (bumps) is provided (to a controller) so that a command is issued to the controllable suspension [element] to exert a force related to the vertical disturbance before the road engaging device encounters the vertical disturbance (note column 5, lines 46-47, where the isolators 28-32 of ACS 26 are adjusted in response to estimated conditions ahead of the vehicle)(claim 68). Regarding claim 69, the vehicle would drive over the road segment sensed by sensors 34, and in estimating conditions ahead of the vehicle from the sensors, the data from the sensors would be recorded in the controller or circuit 222 doing the estimating. Regarding claim 71, noting column 15, line 14- column 17, line 24, the system uses GPS sensors and computerized stored maps or profiles of where it intends to go to adjust the force of suspension. This would involve retrieving a profile from a library of profiles.

13. Applicant's arguments filed 6/12/06 regarding claim 68 have been fully considered but they are not persuasive. In addition to the forces cited by the applicant in the remarks on page 24 of the 6/12/06 amendment, as noted above, Schubert et al also anticipates at column 4, line 59 - column 5, line 7 and column 5, lines 46-47 using signals due to bumpiness to adjust isolator 28 based on conditions estimated ahead of the vehicle, which would include issuing commands to the suspension 28 to exert a force related to vertical displacement or bumpiness.

Claims 68 - 69 and 71 have been canceled.

14. Claims 20-26 are allowed.

15. Claims 4 and 6-7 are objected to for the informalities listed above, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4 and 6 - 7 have been amended to eliminate the informalities and have been rewritten in independent form including all of the limitations of the base claim and any intervening claims

16. Claims 2-3 and 8-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 2-3 and 8 have been rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, and to include all of the limitations of the base claim and any intervening claim

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable. .

All pending claims are allowable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050, order 02103-377003.

Respectfully submitted,

Date: _____

11/29/06



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